

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNIVERSITY OF PITTSBURGH OF THE  
11 COMMONWEALTH SYSTEM OF HIGHER  
12 EDUCATION d/b/a UNIVERSITY OF  
PITTSBURGH, a Pennsylvania non-profit  
corporation (educational),

No. C-08-2973 MMC

**ORDER VACATING SEPTEMBER 5,  
2008 HEARING**

13 Plaintiff,

14 v.

15 VARIAN MEDICAL SYSTEMS, INC., a  
16 Delaware corporation,

17 Defendants

18 /

19 Before the Court are two motions filed by defendant Varian Medical Systems, Inc.:  
20 (1) Motion to Transfer Action to Western District of Pennsylvania, filed June 27, 2008, and  
21 (2) Motion to Dismiss Plaintiff's Claims Pursuant to Fed. R. Civ. P. 12(b)(6) Based on  
22 Doctrine of Res Judicata, filed July 25, 2008. Plaintiff has filed oppositions to both motions,  
23 to which defendant has replied. Having read and considered the papers filed in support of  
24 and in opposition to the motions, the Court deems the matters suitable for decision thereon,  
25 and VACATES the hearing scheduled for September 5, 2008

26 **IT IS SO ORDERED.**

27 Dated: September 4, 2008

  
28 **MAXINE M. CHESNEY**  
United States District Judge